

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**RICO STERLING,**

**Plaintiff,**

**V.**

**Warden ERIC SELLERS, et al.,**

**Defendants.**

**CIVIL ACTION NO. 5:16-CV-13 (MTT)**

## ORDER

United States Magistrate Judge Stephen Hyles recommends dismissing the Plaintiff's Free Exercise and RLUIPA claims because the Plaintiff failed to explain in his initial complaint how the Defendants substantially burdened his right to engage in his Muslim faith. (Doc. 7). The Plaintiff has filed an objection to the Recommendation and a motion to amend. (Docs. 11; 12). Because the Plaintiff has the right to amend his complaint under Rule 15(a), his motion to amend (Doc. 12) is **GRANTED**. See *Brown v. Johnson*, 387 F.3d 1344, 1349 (11th Cir. 2004); *Toenniges v. Ga. Dep't of Corr.*, 502 F. App'x 888, 889 (11th Cir. 2012). Moreover, in his objection and motion to amend, the Plaintiff explains in detail how the Defendants have purportedly prohibited him from conducting the obligatory practice of "congregation prayer," which must be observed on a daily basis and done collectively with other Muslims who are present. (Docs. 11; 12). The Recommendation is therefore moot. At this preliminary-screening stage, the Court cannot say that the Plaintiff's Free Exercise and RLUIPA claims should be dismissed.

See *Johnson v. Brown*, 581 F. App'x 777, 780-81 (11th Cir. 2014). Accordingly, these claims shall move forward.

**SO ORDERED**, this the 5th day of April, 2016.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT